

REMARKS/ARGUMENTS

Claims 1-5, 7-12 and 14-17 are pending in the above application.

The Office Action dated July 7, 2011, has been received and carefully reviewed.

In that Office Action, claims 15 and 17 were rejected under 35 U.S.C. 112, first paragraph, as failing to satisfy the written description requirement, claims 5 and 12 were rejected under 35 U.S.C. 102(e) as being anticipated by Graske, claims 1-4, 7-11 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Hunter, and claims 15 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Ven. It is believed that all claims are allowable over the art of record, and reconsideration and allowance of all claims is respectfully requested in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. 112, FIRST PARAGRAPH

Claims 15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The examiner is requiring that the applicant identify "all pages in the specification that mention the above claimed limitation."

It is respectfully submitted that Applicant identified support for claims 15 and 17 when those claims were added to the application. Specifically, Applicant asserted that:

Support for the underlined claim limitations can be found at page 5, lines 3-8, where it is indicated that a user can set either the types of alerts that he wishes to receive or request that updates not occur more frequently than every five minutes. Since an update relates to something that has already been reported, this language indicates that updates can be limited without interfering with other types of information that have not already been reported. A person of ordinary skill in the art would understand from reading this description, for example, that traffic updates could be limited

to once every five minutes, for example, without stopping tornado warnings from getting through.

The Office Action does not indicate that this description is inadequate or even acknowledge that it has been considered. If the examiner explains why the above language does not support the language of claims 15 and 17, Applicant will attempt to respond. However, Applicant has identified support for claims 15 and 17 and maintains that this language shows that the inventor was in possession of the invention of claims 15 and 17 at the time the application was filed.

Applicant also respectfully submits that no law or regulation requires an applicant to "indicate all pages in the specification that mention the above claimed limitations." Applicant has identified support for the language of claims 15 and 17. Other parts of the specification at least indirectly provide support for the claimed language by describing the environment in which the claimed feature is used. Applicant therefore submits that because the specification provides support for claims 15 and 17 at least at page 5, the requirements of 35 U.S.C. 112, first paragraph, have been satisfied, and the withdrawal of this rejection is respectfully requested.

If the rejection of claims 15 and 17 under 35 U.S.C. 112, first paragraph, are maintained, it is respectfully requested that the examiner explain for the record why the previously identified portions of the specification are not believed to provide support for these claims. It is also respectfully requested that the examiner identify the legal authority for requiring that "all pages" that provide support for a claim limitation be identified in response to a written description rejection under 35 U.S.C. 112.

REJECTIONS UNDER 35 U.S.C. 102(e)

Claim 5 is rejected under 35 U.S.C. 102(e) as being unpatentable over Graske. Applicant's arguments distinguishing claim 5 over Graske are of record. The examiner has merely repeated his rejections of claim 5 (in both the body and Response to Arguments sections of the Office Action) without responding to Applicant's arguments as required by MPEP 707.07(f). Applicant will therefore address this rejection on appeal.

The Response to Arguments section does include statements regarding the fact that in Graske, "movement of mobile station 120 is monitored in every 15 minutes for a new location." It is respectfully submitted that this statement has no relevance to the limitation "limiting the frequency at which said communications are provided." Periodically checking to determine where Graske's mobile device is located has nothing to do with the frequency at which communications advising a person about an alert message are provided. These statements will also be addressed on appeal, but Applicant maintains that they are not responsive to any argument in the record.

Finally, the examiner is continuing to reject claims as being anticipated because Graske shows something "being associated with" a limitation of claim 5. Graske does not satisfy the limitation "limiting the frequency...", but the examiner indicates that the claims are anticipated because Graske allegedly teaches something "being associated with" that limitation. The examiner has failed to provide any legal authority to support this "being associated with" ground of rejection, this theory is not consistent with the requirements of 35 U.S.C. 102, and the rejection of claim 5 is traversed for this reason as well.

Claim 12 is submitted to be allowable for substantially the same reasons as claim 5 and for the reasons already of record.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1, 7, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Hunter. The previous Office Action identified paragraphs of Hunter that the examiner believed to be relevant to claim 1. Applicant responded to that Office Action by distinguishing the claimed invention from the teachings of those paragraphs, and Applicant asked the examiner to respond to Applicant's arguments. Rather than address these arguments as required by MPEP 707.07(f), the examiner has merely identified the relevant paragraphs again. It is respectfully requested that the examiner respond to the arguments of record regarding claims 1, 7, 8 and 14 to complete the record for appeal.

All claims depending from these claims are submitted to be allowable at least because of their dependence from allowable base claims.

Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Ven. Claim 15 recites that limiting the frequency at which communications are provided comprises permitting a user to limit the frequency at which updates regarding the first condition are provided to him while allowing the cell phone of the user to receive an alert message regarding a second condition different than the first condition when updates regarding the first condition are being limited. Claim 5, from which claim 15 depends, defines the "first condition" as a first condition that affects the local geographic area in which the user is located.

Ven is cited to show the limitations of claim 15. Specifically, the examiner refers to paragraph 0031 of Ven where Ven discloses providing a user with updates to a list of event criteria. The list of event criteria in Ven is a list of events that might trigger a user notification, a failure of a certain node in a network, for example. A corresponding list of "event criteria" in Graske might be, for example, a list of the events about which a user wishes to receive notifications. The list might include, e.g., "tornados, fire, hurricanes, traffic." Thus at most, Ven might suggest allowing a user of Graske's device to receive a reminder regarding what types of warnings they are signed up to receive. This has nothing to do with limiting the frequency for updates of a first condition affecting the local geographic area of the user while continuing to receive alerts regarding a second condition affecting the local geographic area of the user as recited in claim 15.

Furthermore, a legally sufficient reason for modifying Graske based on Ven has not been provided. The reason provided by in the Office Action is quoted below together with Applicant's comments. "It would have been obvious ... to have combined the teaching of Ven with Graske for the benefit of achieving a notification system...." Graske already disclose a notification system. There is no need to modify that reference to produce a notification system. It is further stated that the notification system is one "...that disseminates notification content to a subset of people based on filtering criteria...." Graske disseminates notification content to a subset of people based on filtering criteria (such as geographic location). There is no need to modify Graske to produce a system that disseminates notification content. The Office Action further asserts that the modification thereby provides "useful information..." The information in Graske is already submitted to be useful. No change to Graske is needed to provide

useful information. And finally, the modification is said to allow "...managing resource in an efficient matter [sic]." The meaning of this last statement is unclear because there is no indication that some resource in Graske is being managed inefficiently or that something about Ven will allow anything in Graske to be managed more efficiently. A proper reason for modifying Graske has not been provided as required by *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007), and claim 15 is submitted to be allowable over the applied references.

Claim 17 is submitted to be allowable for at least the same reasons as claim 15.

CONCLUSION

Each issue raised in the Office Action dated July 7, 2011, has been addressed, and it is believed that claims 1-5, 7-12 and 14-17 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

/Scott T Wakeman #37750/

Scott L. Lowe
Registration No. 41,458
Scott T. Wakeman
Registration No. 37,750

PO BOX 1364
Fairfax,VA 22038-1364
1.703.621.7140

Date: September 7, 2011